

Honorable David G. Estudillo

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

NATHEN BARTON,
Plaintiff

v.

JOE DELFGAUW, XANADU
MARKETING INC., STARTER HOME
INVESTING INC,
Defendant(s).

CASE NO. **3:21-cv-05610-DGE**

DEFENDANTS REPLY TO
PLAINTIFF'S MOTION
FOR CONTEMPT AND MOTION
FOR RELIEF FROM A DEADLINE
DKT 493

NOTED JULY 21, 2025

COMES NOW, Dawn R. Van Dusen, Counsel for Defendants Joseph Delfgauw, Xanadu Marketing Inc., Starter Home Investing Inc. (collectively, "Defendants"), and respectfully answers Plaintiff's Motion for Contempt and Motion for Relief from a Deadline. In support thereof, Dawn R. Van Dusen states as follows:

1. Defendant's Joseph Delfgaw answers to Plaintiff's Seventh Set of Interrogatories were not changed by Defendants or Defendants Counsel before resigning and resending to Barton.

2. Defendants' Counsel sent their first copy of Interrogatories accidentally in Word and PDF. Defendants admit that the signature line did not comply with Federal Court Rules.

3. The Court ordered Defendants to resubmit the Answers to the Interrogatories with a signature page that complies with FCR. Defendants' counsel immediately resubmitted and only changed the signature page.¹

4. Defendants' counsel believes Mr. Barton changed the language and inserted NB#.

¹ Decl of Dawn Van Dusen, Exhibit B

1 5. The changes also reflect NB#'s that references the same document that Plaintiff sent in
2 the Washington State Case to Defendants.²

3 5. Mr. Barton filed this motion because the Court would not grant him additional discovery
4 to harass Defendants. Currently he has served Defendant with multiple discovery requests
5 (admissions, interrogatories, and production) in the State case. He has used most of them in filing
his motion for summary disposition.

6 6. Mr. Barton is known for his deceptive behavior as follows:

7 a. Misleading phone agents with false names³;

8 b. Filling out a form requesting to hire Attorney Donna Gibson using a false name
and not needing her services⁴; and

9 c. Donna Gibson believes that Mr. Barton changed the joint stipulation document
to include line 30 (Defendants destroyed evidence).

10 9. Mr. Barton should be sanctioned for his trickery and deception on this Court and
11 Defendants cost in answering his frivolous motion.

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14 Dated July 18, 2025

/s/ Dawn R. Van Dusen
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² Decl of Dawn Van Dusen, Exhibit C

22 ³ Decl of Dawn Van Dusen, Exhibit A (21 at 24-25 – 23 at 1-2)

23 ⁴ Decl of Dawn Van Dusen, Exhibit A (29 at 10-25; 30 at 1-14)